



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

March 5, 2004

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From: David E. Janssen
Chief Administrative Officer

MOTION TO SUPPORT S. 1716 (CHAFEE, R-RI)—FUNDING FOR SMALL COMMUNITY STORM WATER PROGRAMS (ITEM NO. 2, AGENDA OF MARCH 9, 2004)

Item No. 2 on the March 9, 2004 Agenda is a motion by Supervisor Antonovich to support S. 1716 (Chafee, R-RI) and to direct the Chief Administrative Officer to send a five-signature letter to California's Senators and the County's Congressional Delegation, supporting passage of the bill.

S. 1716 would authorize states to use funds granted under Section 319 (h) of the Federal Water Pollution Control Act (33 U.S.C. 1329 [h]), for Phase II of the National Pollution Discharge Elimination System (NPDES) storm water program. Phase II is limited to small municipal separate storm sewer systems in communities with populations under 100,000, or construction sites disturbing one to five acres. The U.S. Environmental Protection Agency (EPA) issued a rule in December 1999, which established the guidelines for Phase II programs. However, Federal law and EPA regulations do not allow Section 319 funds to be used by states for Phase II project grants where the local agency holds an NPDES permit. S. 1716 would change this law and the EPA regulations.

Funding for Section 319 grants to states was only authorized for the years 1988 through 1991. Although there has been no recent authorization, the President has continued to request funding for the program and Congress has made annual appropriations. For FFY 2004, \$238,550,000 is appropriated for Section 319 programs nationwide. California's allocation is \$12.3 million, of which \$5.5 million has already been awarded to projects, with the remainder going to fund the State Water Control Board and Coastal Commission.

S. 1716 was introduced on October 3, 2003 and was assigned to the Senate Committee on Environment and Public Works. A companion bill, H.R. 3528 (Lowey, D-NY), was introduced on November 19, 2003. It was assigned to the House Committee on Transportation and Infrastructure's Water Resources and Environment Subcommittee. No action has been taken or scheduled on either bill.

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Passage of S. 1716 may provide the ability of the County's smallest communities to obtain financial assistance for storm water improvements. The Federal Legislative Agenda adopted on January 20, 2004 includes a policy supporting proposals and funding for pollution control activities, storm drain improvements, and the replacement of septic systems in the County. The motion's recommendation to send a five-signature letter in support of S. 1716 is, therefore, consistent with current Board policy.

DEJ:GK
MAL:DRS:hg/n

c: Executive Officer, Board of Supervisors
 County Counsel
 Sheriff